

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

CERTAIN UNDERWRITERS at
LLOYD’S, LONDON SUBSCRIBING
TO POLICY NUMBER
PGIARK05447-00,

Plaintiff,

vs.

DUAL TRUCKING, INC. and
ANTHONY ALFORD,

Defendants.

Case No.: CV-19-34-GF-BMM

**CLARIFICATION OF
ORDER**

In consideration of Plaintiff’s Request for Clarification, and for Good Cause

Appearing:

This Court clarifies its Order of June 18, 2019, to reflect that Plaintiff did not agree that service was improperly made upon Defendant DTI, but have not objected to Defendants’ Motion to Set Aside Default.

Further, Defendants have affirmatively represented to the Court that they have not made a claim under the subject Plaintiff's Insurance Policy at issue and, unless and until Defendants tender a claim against Plaintiff's subject Insurance Policy, Plaintiff has no duty to defend or indemnify the Defendants. As there has been no insurance claim made, there is no justiciable controversy regarding the subject insurance policy and Defendants' Motion to Dismiss is GRANTED.

DATED this 24th day of June, 2019.



Brian Morris
United States District Court Judge